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 San Francisco, CA 94111
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4 Attorneys for Third-Party Defendants
 5 WEST COAST WELDERS SUPPLY COMPANY, INC.;
 6 WEST COAST SCRAP PRODUCERS, INC.; AND
 RICHARD L. BRADLEY, as an individual and as Trustee
 of the Richard L. Bradley Trust

FILED

DEC 09 2005

RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 IRVING KESLER, an individual,

12 Plaintiff,

13 v.

14 CONTINENTAL CASUALTY COMPANY,
 15 an Illinois Insurance Company; *et al.*,

16 Defendants.

17 AND RELATED ACTIONS
 18

Case No. 05 00391 MJJ

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR STAY OF DISCOVERY
 AND CONTINUATION OF PRETRIAL
 DEADLINES**

20 This Stipulation is entered into by the parties in this action with reference to the
 21 following:

22 WHEREAS, at the May 3, 2005 Case Management Conference, the Court approved a
 23 proposal to conduct phased discovery, with the first phase limited discovery regarding the
 24 existence and terms of the insurance policies at issue ("Phase I");

25 WHEREAS, on August 1, 2005, the parties stipulated to modify the Court's May 23,
 26 2005 Amended Pre-trial Order to continue the cutoff date for Phase I non-expert discovery from

28 **STIPULATION AND ~~PROPOSED~~ ORDER FOR STAY OF DISCOVERY AND CONTINUATION OF
 PRETRIAL DEADLINES**

Case No. C 04 2835 MJJ

Page 1

1 August 26, 2005 to November 30, 2005, and continue the last day for Phase I dispositive motions
2 to be heard from October 18, 2005 to January 17, 2006.

3 WHEREAS, the parties have served initial disclosures in this action, responded to written
4 discovery demands propounded to date, and produced responsive documents;

5 WHEREAS, certain parties have met and conferred regarding the discovery responses
6 served and documents produced;

7 WHEREAS, the parties have noticed certain depositions, but no depositions have
8 occurred, and the parties have agreed to take all noticed depositions off calendar pending
9 settlement discussions;

10 WHEREAS, the parties have attended numerous mediation sessions before Judge
11 Bettinelli and substantial progress has been made towards resolution of this matter;

12 WHEREAS, the parties remain interested in attempting to resolve this matter early in the
13 litigation to minimize litigation costs and conserve judicial resources;

14 WHEREAS, settlement discussions will be facilitated by an order of this Court to
15 continue the deadlines in the August 1, 2005 Stipulation and Order For Stay of Discovery and
16 Continuation of Pretrial Deadlines to allow the parties to complete settlement discussions and
17 memorialize a settlement agreement, as follows:

Description	Current Date	Proposed Date
Phase I non-Expert Discovery Cutoff	November 30, 2005	January 31, 2006
Further Status Conference	February 14, 2005	February 14, 2005
Last Day to Hear Phase I Dispositive Motions	January 17, 2005	March 17, 2006

22 WHEREAS, the parties believe that good cause exists to modify the August 1, 2005
23 Order For Continuation of Pretrial Deadlines to allow the parties to continue settlement
24 discussions;

25 NOW, THEREFORE, IT IS HEREBY STIPULATED by the parties through their
26 counsel of record that the parties request an Order as follows:

27
28 STIPULATION AND [PROPOSED] ORDER FOR STAY OF DISCOVERY AND CONTINUATION OF
PRETRIAL DEADLINES

1. The cutoff date for Phase I non-expert discovery shall be continued to January 31, 2006;
2. The Further Status Conference scheduled for February 14, 2006 at 2:00 p.m. will remain on calendar;
3. All Phase I dispositive motions shall be heard on or before March 17, 2006.

Dated: November 28, 2005

LAW OFFICES OF HANS HERB

By:

Hans W. Herb
Hans W. Herb
Attorneys for Plaintiff IRVING K. KESLER

Dated: November 23, 2005

LEVY, RAM & OLSON LLP

By:

Heather Mills
Heather Mills
Attorneys for Cross-Complainants WEST COAST
WELDERS SUPPLY COMPANY, INC.; WEST
COAST SCRAP PRODUCERS, INC.; and
RICHARD L. BRADLEY

Dated: November ____, 2005

CARROLL, BURDICK & McDONOUGH LLP

By:

G. David Godwin
G. David Godwin
Attorneys for Defendant/Third Party Claimant
CONTINENTAL CASUALTY COMPANY

Dated: November 23, 2005

GREENBERG GLUSKER FIELDS CLAMAN
MACHTINGER & KINSELLA LLP

By:

Shiraz D. Tangri
Shiraz D. Tangri
Attorneys for Defendant/Cross-Defendant
UNION PACIFIC RAILROAD COMPANY

Dated: November ____, 2005

BEYERS, COSTIN & CASE

By:

Cameron Scott Kirk
Cameron Scott Kirk
Attorney for Third-Party Defendants

STIPULATION AND [PROPOSED] ORDER FOR STAY OF DISCOVERY AND CONTINUATION OF
PRETRIAL DEADLINES

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Dated: November ____, 2005

LAW OFFICES OF HANS HERB

By:

Hans W. Herb
Attorneys for Plaintiff IRVING K. KESLER

Dated: November ____, 2005

LEVY, RAM & OLSON LLP

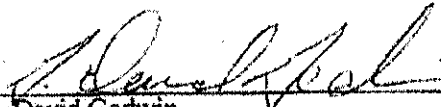
By:

Heather Mills
Attorneys for Cross-Complainants WEST COAST
WELDERS SUPPLY COMPANY, INC.; WEST
COAST SCRAP PRODUCERS, INC.; and
RICHARD L. BRADLEY

Dated: November 28, 2005

CARROLL, BURDICK & McDONOUGH LLP

By:


G. David Godwin
Attorneys for Defendant/Third Party Claimant
CONTINENTAL CASUALTY COMPANY

Dated: November ____, 2005

GREENBERG GLUSKER FIELDS CLAMAN
MACHTINGER & KINSELLA LLP

By:

Shiraz D. Tangri
Attorneys for Defendant/Cross-Defendant
UNION PACIFIC RAILROAD COMPANY

Dated: November ____, 2005

BEYERS, COSTIN & CASE

By:

Cameron Scott Kirk
Attorneys for Third-Party Defendants
WEST COAST METALS, INC.; JACK L.
GARDNER; and WILLIAM WHITMAN

STIPULATION AND [PROPOSED] ORDER FOR STAY OF DISCOVERY AND CONTINUATION OF PRETRIAL DEADLINES

1 2. The Further Status Conference scheduled for February 14, 2006 at 2:00 p.m. will remain on
2 calendar;

3 3. All Phase I dispositive motions shall be heard on or before March 17, 2006.

4 Dated: November ____, 2005 LAW OFFICES OF HANS HERB

5
6 By: _____

Hans W. Herb
Attorneys for Plaintiff IRVING K. KESLER

7
8 Dated: November ____, 2005 LEVY, RAM & OLSON LLP

9 By: _____

Heather Mills
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WELDERS SUPPLY COMPANY, INC.; WEST
COAST SCRAP PRODUCERS, INC.; and
RICHARD L. BRADLEY

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Attorneys for Defendant/Third Party Claimant
CONTINENTAL CASUALTY COMPANY

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18 MACHTINGER & KINSELLA LLP

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20 By: _____

Shiraz D. Tangri
Attorneys for Defendant/Cross-Defendant
UNION PACIFIC RAILROAD COMPANY

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22 Dated: November 28, 2005 BEYERS, COSTIN & CASE

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24 By: _____

Cameron Scott Kirk
Attorneys for Third-Party Defendants
WEST COAST METALS, INC.; JACK L.
GARDNER; and WILLIAM WHITMAN

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26
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28 STIPULATION AND [PROPOSED] ORDER FOR STAY OF DISCOVERY AND CONTINUATION OF PRETRIAL
DEADLINES


WEST COAST METALS, INC.; JACK L.
GARDNER; and WILLIAM WHITMAN

ORDER

IT IS HEREBY ORDERED that:

1. The cutoff date for Phase I non-expert discovery shall be continued to January 31, 2006;
2. The Further Status Conference scheduled for February 14, 2006 at 2:00 p.m. will remain on calendar;
3. All Phase I dispositive motions shall be heard on or before March 17, 2006.

Dated: 12/9, 2005


The Honorable Martin J. Jenkins
United States District Judge

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PRETRIAL DEADLINES